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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

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UNITED STATES OF AMERICA

*versus*

FRANCESK SHKAMBI (5)

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CRIMINAL ACTION NO. 4:09-CR-193

**MEMORANDUM ADOPTING REPORT AND  
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

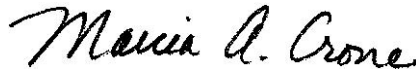
Came for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636. On October 2, 2013, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendation that the Defendant's Motion to Suppress Illinois Title III Phone Intercept Evidence (Dkt. #359) should be denied.

Defendant objects to the findings of the Magistrate Judge, arguing that "the applications for the intercepts failed to establish probable cause of the commission of a crime or attempt thereof as required under Title 18 United States Code section 2518(3) at the time of their filing" (Dkt. #389 at 1). Defendant also asserts that the order of authorization or approval was insufficient on its face, and objects to the use of the intercepted calls as evidence. *Id.* The Magistrate Judge concluded that the application and affidavit contained more than enough facts for the issuing judge to make an independent determination of probable cause, including probable cause to believe that at least one of the named individuals was committing, had committed, or was about to commit a particular crime. Defendant's arguments are basically a regurgitation of his limited arguments made in the motion to suppress. Defendant makes no specific allegations, and fails to point to Court to any specific finding or conclusion of the Magistrate Judge to which he objects.

The Court, having made a *de novo* review of Defendant's objections, is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and the objections are without merit. Therefore, the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of this Court. It is accordingly

**ORDERED** that the Defendant's Motion to Suppress Illinois Title III Phone Intercept Evidence (Dkt. #359) is **DENIED**.

SIGNED at Sherman, Texas, this 10th day of October, 2013.

A handwritten signature in black ink, reading "Marcia A. Crone". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

MARCIA A. CRONE  
UNITED STATES DISTRICT JUDGE